IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

MONDAY, THE TWENTIFIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 7285 of 2005

Between :

J.Ramesh, S/o.Natarajan, aged about 20 years,
R/o.Balakrishna Puram, Mangalam Village, Chittoor District.

..... PETITIONER

A N D

The Station House Officer, Alipiri P.S.Tirupati, Chittoor district

..... RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more particularly one in the nature of writ of mandamus directing the respondent to initiate immediate action by registering the crime on complaint dt.28.3.2005 under Walta Act 2000 by seizing the bore dugged by the named accused in the petition schedule land and to investigate forthwith and to pass such other order or orders.

Counsel for the Petitioner : MR.J.U.M.V.PRASAD

Counsel for the Respondent: GP FOR HOME

The Court made the following **: (Order follows 2nd page)**

O R D E R :

This writ petition is filed to direct the Station House Officer, Alipiri Police Station, Tirupati of Chittoor district to initiate action by registering the complaint dated 28-3-2005 under WALTA Act, 2000 by seizing the bore and to investigate into the matter and pass such other order or orders as this court may deem fit and proper.

The case of the petitioner is that he was impleaded as fourth respondent in the RP before the Commissioner of Appeals, Government of Andhra Pradesh, Hyderabad, which was filed by the Mandal Revenue Officer, Tirupati (Urban), Chittoor district. The subject-matter of the land is in survey no.31/1-A to an extent of Acs:2-65 cents of Mangalam village, Chittoor district. Questioning the order passed by the Settlement Officer dated 30-6-1982, the Mandal Revenue Officer, Tirupati (Urban) filed the Revision. Originally the schedule land belongs to Mr.P.Yellareddy and after he was inducted into possession on 12-7-1943, Mr.Yellareddy and Mr.Ch.Arjuna Pillai exchanged their lands assigned to them on 05-10-1954 and thereafter Mr.Arjun Pillai having been in possession of the land to an extent of Acs:2-65 cents sold the same to the mother of the petitioner on 21-11-1968 and thereafter the Settlement Officer granted patta on 30-6-1982 including her name and therefore questioning the same the Director of Settlements taken up the case suo moto under revision in RP.No.290/1984 (H1) against the orders of the Settlement Officer, Nellore. After going through the record and the counter filed by the Tahsildar,

Chandragiri, who has specifically stated that the land is classified as Government dry lands as patta in the name of Mr.Arjun Pillai and therefore in favour of Mr.Arjuna Pilai the suo moto revision was dropped on 09-8-2004. The third party therein impleaded himself as second respondent in the revision pending before the Commissioner of Appeals, Govt.of A.P.Hyderabad.

The petitioner submit that his mother has no right to alienate the same and in fact he is not aware of the revision filed by the Mandal Revenue Officer by colluding with the third party therein by defrauding his mother and got the property purchased. Therefore, himself and his brother were impleaded as respondents in the revision.

While things stood thus, he filed WP.No.2299 of 2004 for not passing any order by the Commissioner of Appeals on his implead petition and stay petition. This court while disposing of WP.No.2299 of 2004 on 10-2-2004 directed the Commissioner to pass orders on implead petition as well as to dispose of revision within six months. Thereupon he filed an application on 28-2-2004 seeking stay not to alter the nature of the land by the unofficial respondents. Since the same was not considered for quite long time, on 21-6-2004 this court in WP.No.9968 of 2004 directed the Commissioner of Appeals to pass orders on his stay petition in ten days.

Pursuant to the directions of this court in WP.No.9968 of 2004, the Commissioner of Appeals passed orders on 23-8-2004 impleading him as fourth respondent and adjourned to 29-1-2004. As a result, the third parties claiming under him seems to have alienated the schedule lands and raised compound wall and dug a bore well contrary to WALTA Act. The inaction on the part of the Commissioner of Appeals in failure to protect the schedule land pending revision, resulting in multiplicity of

proceedings and thereby the third parties are managing the schedule property without any manner of right and therefore, the Commissioner did not honour the directions of this court dated 21-6-2004.

The petitioner further submits that under the Water and Land Trees Act prior permission from the concerned Mandal Revenue Officer is required to dug a bore well and could not be within the radius of 200 mts. Now the Mandal Revenue Officer, who filed revision questioning the Settlement Officer's order, instead of protecting the land, encouraging the third parties to meddle with the land and also given tacit consent. The District Collector was also addressed with the complaint but no action is taken. The petitioner lodged complaint to investigate into the offence and seize the vehicle containing bore and instruments on 28-3-2005 before the respondent but no action is taken.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Home, and further from the averments made in the writ petition, it appears that the matter requires impartial enquiry and thorough investigation by the Station House Officer, Alipiri Police Station. Having taken into consideration the facts and circumstances of the case, I deem it appropriate to direct the Station House Officer, Alipiri Police Station, Tirupati of Chittoor district to investigate into the matter impartially on merits and take necessary action against the concerned in accordance with law on the allegations made in the complaint dated 28-3-2005 lodged by the petitioner before the Station House Officer, Alipiri Police Station, positively within a week from the date of receipt of a copy of this order. However, a

copy of this order shall be communicated to the Officialdom of the Police as well as Revenue Department, viz., District Collector, Chittoor, so that the concerned Station House Officer, Alipiri Police Station may not deviate the directions passed in this writ petition.

With the above direction, the Writ Petition is disposed of at the admission stage. No costs.

APRIL 25th, 2005. ----------

I S L ELIPE DHARMA RAO, J.

To

1) 2 CD copies.

2) 1 CC to Govt.Pleader for Home, High Court Buildings, High Court of Andhra Pradesh, Hyderabad.

3) The District Collector, Chittoor, Chittor district.

3) The Superintendent of Police, Chittoor, Chittoor district.

4) The Sub-Divisional Police Officer, Tirupati, Chittoor district.

5) The Station House Officer, Alipiri Police Station, Tirupati, Chittoor district, to investigate into the matter impartially on merits and take necessary action against the concerned in accordance with law on the complaint dated 28-3-2005 lodged by the petitioner within a week from the date of receipt of a copy of this order.

6) 1 C.C. to Mr.J.U.M.V.Prasad, Advocate, R/o. F.No.201, Style Home Apts.,Kamalanagar, ECIC X-Roads, Hyderabad.